## 2009 DRAFTING REQUEST

Received By: rkite

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Received: 03/01/2010

Wanted: As time permits			Companion to LRB:					
For: Alan Lasee (608) 266-3512					By/Representing: Jennifer Esser			
•	May Contact:				Drafter: rkite			
Subject:		Nat. Res parks and Local Gov't - munis g			Addl. Drafters:			
					Extra Copies:	MES		
Submit vi	a email: YES							
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Instruction	ons:							
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					Extra Copies: MES			
Submit v	ria email: <b>YES</b>							
Requeste	er's email:	Sen.Lasee	@legis.wisc	onsin.gov				
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## 2009 DRAFTING REQUEST

Bill

Received	: 03/01/2010			Received By: rk	ite	
Wanted: As time permits			Identical to LRB:			
For: Alan Lasee (608) 266-3512			By/Representing: Jennifer Esser			
This file	may be show	n to any legislator: NO		Drafter: rkite		
May Con	tact:			Addl. Drafters:		
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#### Kite, Robin

From:

Esser, Jennifer

Sent:

Thursday, February 25, 2010 10:52 AM

To:

Kite, Robin

Subject:

FW: Possible amendment to SB-172

Robin,

Hope this email clarifies things for you from a drafting standpoint.

Take care,

Jen

----Original Message----

From: Lasee, Alan

Sent: Wednesday, February 24, 2010 12:29 PM

To: Sen.Lasee

Subject: FW: Possible amendment to SB-172

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From: Glen R. Schwalbach[SMTP:GLENSCHWALBACH@NETZERO.COM]

Sent: Wednesday, February 24, 2010 12:21:52 PM

To: Lasee, Alan

Cc: rvvoms2@msn.com; dotocashman@aol.com; wtowns1@frontiernet.net;

ARossmeissl@herrlingclark.com

Subject: RE: Possible amendment to SB-172 Auto forwarded by a Rule

Senator Lasee and Jen, thanks for the response. I had heard from Vicky about the suggestion for a separate bill. I think it's great.

Some of the reasoning for preventing cities and villages from annexing a trail are presented below in my original email. The annexing of trails which extend beyond the general boundaries of a city or village should not allow the city or village to claim that the town land bordering the trail is now contiguous and meets that test for annexation.

Trails are usually created to preserve a slice of natural countryside while allowing the public to experience nature without damaging the resource with random access. Trails often go through towns. If a city or village annexes a trail and then can annex land along it and laterally from it, three things usually would result.

First, the trail is encroached upon much sooner than would happen with conventional city or village growth.

Second, the affected town would usually be split into separate areas, creating greater costs to serve the residents' needs for road maintenance, snow plowing, etc. Many special agreements would have to be initiated to specify which municipality will be responsible for what roads which are now along the new, much extended and probably sliver-like common borders. Residents would also be confused because of the likely unpredictability and randowness of new borders. This includes confusion by anyone in the area trying to contact emergency services, dispatch emergency services and respond to emergency calls.

Third, costs for the city or village would likely increase disproportionately to service such expansions because of the ragged footprint which would be created.

There could also be another result of trail annexation. This scheme could be used by the city or village to stymie a town's desire and obligation to meet its citizens' plans to use or develop their own land within reason. A city or village could annex into the heart of a town via a trail and zone it restrictively to set the land into a "holding" pattern for years. They do this now through extra-territorial rights. But with trail annexation they could extend that type of jurisdiction way beyond the current 3-mile or 1 1/2-mile limits now in the law.

Annexations by cities and villages should be done as a logical, predictable, and economical extension of their municipal services to match the desires of citizens for such services. Annexations of trails could be another way for cities and villages to put landowners and towns into limbo by closing down appropriate land uses and development, reducing land values of citizens, and stagnating the tax base of towns.

We appreciate your consideration.

Glen R. Schwalbach, P.E., NSPE Fellow PROBITY Consulting, LLC 1090 Moonriver Dr., De Pere, WI 54115 Cell: 920-680-2436, Office/Home: 920-532-6330

Date: Tue, 23 Feb 2010 15:28:59 -0600

Hi Glen,

I just tried calling but didn't get any response. I wanted to clue you in as to SB 172 and your amendment idea. First, Alan spoke to Rick at the Towns about this, and the goal of the association is to get this through as clean as possible before the session expires. As a result, Alan is happy to do a stand alone bill (I did communicate this to Vicky at the public hearing last week).

In speaking with our drafter, she would like a little more information as to why folks are concerned with the annexation (or why you want a stand alone bill)...this will really help her to be able to pinpoint exactly how to draft this. If you want me to speak to Rick, I certainly can. I am hoping you can provide me with that info so we can get working on it.

Thanks,

Jen Office of Sen. Lasee

----Original Message----

From: Glen R. Schwalbach [mailto:glenschwalbach@netzero.com]

Sent: Thursday, February 04, 2010 2:12 PM

To: Sen.Lasee

Cc: Sen. Holperin; Sen. Schultz

Subject: Possible amendment to SB-172

Senator, I heard your announcement to retire from the legislature. Congratulations on your past service to us all.

As you may recall, I am on the board for the the Town of Rockland. We have been concerned with cities requesting the DNR to let them annex State trails to get a contiguous connection into or through towns. We are aware of one such situation. There might be towns throughout the State which could be faced with this situation in the future. The DNR staff does not think trails should be annexed this way but they say their decision-makers might think otherwise.

Could you initiate an amendment to SB-172 to prevent the State from agreeing to let a city or village annex a state-owned trail?

As you know, trails are developed and maintained by the state, often, with local contributors of time and/or money. The trails are intended for the general public's recreational use and to allow the public to interact

with nature. The trail land is often donated or purchased to provide that access while preserving a rural or woodland environment to enjoy. It is contrary to this purpose and, when donors were involved, contrary to the intent of those donors, to use them for city sprawl and as a sort of loophole in current annexation law.

SB-172, as now proposed, may encourage use of this tactic since it allows the contiguous requirement to be more scrutinized. Thus, SB-172 may encourage cities and villages to find more options and create this sort of contiguous situation.

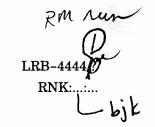
SB-172 is very important for giving citizens and their reps a voice in annexation proceedings. So, we don't want to slow up the bill but an amendment to address the above would reinforce its intent.

Thanks for your time.

Glen R. Schwalbach, P.E., NSPE Fellow PROBITY Consulting, LLC 1090 Moonriver Dr., De Pere, WI 54115 Cell: 920-680-2436, Office/Home: 920-532-6330



### State of Misconsin 2009 - 2010 LEGISLATURE



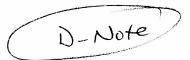
PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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AN ACT ...; relating to: annexations of trails designated by the Department of

2 Natural Resources.

## Analysis by the Legislative Reference Bureau

The ice age national scenic trail is established under federal law. That trail, together with the lands adjacent to that are designated a state scenic trail known as the Ice Age Trail. Under current law, the Department of Natural Resources (DNR) also has authority to designate other trails for property under its control and may designate a system of state trails as part of the state park system. This bill prohibits any state agency from petitioning, or joining in a petition, on behalf of this state to annex any state-owned land designated as a trail by DNR to an adjoining municipality.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- SECTION 1. 24.40 (2) of the statutes is renumbered 24.40 (2) (a) and amended to read:
- 5 24.40 (2) (a) Every Except as provided under par. (b), every such board, commission, department, and agency may petition or join in a petition for and on

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1	behalf of the state as the owner of such property to annex or detach the same or any
)	part or parts thereof to or from an adjoining municipality

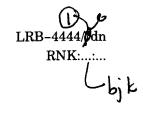
History: 1985 a. 297 s. 76. **SECTION 2.** 24.40 (2) (b) of the statutes is created to read:

24.40 (2) (b) No board, commission, department, or agency of this state may petition or join in a petition for or on behalf of the state to annex state-owned land designated as a trail, or part of a trail, by the department of natural resources under s. 23.115, 23.17, or 23.175, to an adjoining municipality.

(END)



# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU Da k



Current law authorizes a state agency to petition, or join in a petition, on behalf of this state to annex to, or detach from, a municipality any property that is owned by the state. This draft limits the scope of that authority by prohibiting a state agency from petitioning or joining in a petition on behalf of this state to annex a trail designated by the Department of Natural Resources to an adjoining municipality. It does not affect a state agency's authority under current law to petition, or join in a petition, to detach such property from a municipality. Is this consistent with your intent?

The prohibition created in this draft applies to state trails designated under either s. 23.115 or 23.175 as well as to the Ice Age Trail designated under s. 23.17. If you did not intend to include all of these trails within the prohibition, please let me know and I will redraft accordingly.

Robin N. Kite Legislative Attorney Phone: (608) 266-7291

E-mail: robin.kite@legis.wisconsin.gov

## DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-4444/1dn RNK:bjk:rs

March 15, 2010

Current law authorizes a state agency to petition, or join in a petition, on behalf of this state to annex to, or detach from, a municipality any property that is owned by the state. This draft limits the scope of that authority by prohibiting a state agency from petitioning or joining in a petition on behalf of this state to annex a trail designated by the Department of Natural Resources to an adjoining municipality. It does not affect a state agency's authority under current law to petition, or join in a petition, to detach such property from a municipality. Is this consistent with your intent?

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Robin N. Kite Legislative Attorney Phone: (608) 266-7291

E-mail: robin.kite@legis.wisconsin.gov

#### Barman, Mike

From:

Sent: To:

Kite, Robin Wednesday, April 07, 2010 9:29 AM Barman, Mike LRB-4444

Subject:

Mike:

Could you please jacket LRB-4444 for Sen. Alan Lasee?

Thanks.

Robin